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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,993	12/03/2003	John W. Waguespack	SECWR-001C	5053
7663	7590	05/05/2004	EXAMINER	
STETINA BRUNDA GARRED & BRUCKER 75 ENTERPRISE, SUITE 250 ALISO VIEJO, CA 92656			EVANS HENCE, ANDREA	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/726,993

Applicant(s)

WAGUESPACK ET AL.

Examiner

Andrea H. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/9/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 21-40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 5-15 of U.S. Patent No. 6695507.

Although the conflicting claims are not identical, they are not patentably distinct from each other because pending claims 21-40 claim a broader lock system with the same structure as the system in US 6695507.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21, 23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Takimoto (5,746,455).

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Referring to claim 21, Takimoto teaches a lock system comprising a lock housing (3) attachable adjacent a door (2) and having a lateral aperture (3b) extending generally parallel thereto; a lock device (5,7,8) disposed within the lock housing (3); and a locking member (4) with a locking portion disposed within the lateral aperture and being slidable therealong between unlock and lock positions, the locking portion substantially retracting within the lateral aperture when in the unlock position, the locking portion extending over the printer door when in the lock position to secure the same and prevent theft (See Column 3, lines 9-36).

Referring to claim 23, Takimoto teaches the lock system wherein the locking member is an elongated bar (4).

Referring to claim 25, Takimoto teaches the lock system wherein the lock device comprises a longitudinal aperture (3a) in communication with the lateral aperture (3b) and extending generally perpendicular thereto, the lock device having an engaging member (5) with a lower engaging portion disposed within the longitudinal aperture (3a) and being movable between disengaging and engaging positions, the lower engaging portion retracting within the longitudinal aperture when forming the disengaging position, the lower engaging portion extending into the lateral aperture and being sized and configured to maintain the locking member in the lock position when forming the engaging position. (See Column 3, lines 17-36).

### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takimoto in view of Walter (3899905).

Referring to claim 22, Takimoto teaches all that is claimed as discussed in the above rejections except the lock system wherein the locking member is fabricated from a metallic material. Walter teaches the lock system wherein the locking member is fabricated from a metallic material (See Column 3, lines 11-15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Takimoto such that the locking member is fabricated from a metallic material to provide an increased structural integrity when the lock is under external attack as taught by Walter.

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takimoto in view of Stole (4452476).

Referring to claim 26, Takimoto teaches all that is claim in the above rejections except the lock system wherein the locking member comprises an arcuate notch and the lower engaging portion extends thereinto when forming the engaging position. Stole teaches a lock system wherein the locking member comprises an arcuate notch and the lower engaging portion extends thereinto when forming the engaging position (See Column 2, lines 56-62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Takimoto such that the locking member comprises an arcuate notch and the lower engaging portion extends thereinto when forming the engaging position in order to provide adequate alignment of the engaging portion as taught by Stole.

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8. Claims 27,28, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto et al (5853205) in view of Takimoto (5746455).

Referring to claim 27, Enomoto teaches a printer with a lock system the printer comprising: a printer body having a printer door (2) sized and configured to open and close with respect thereto; and a lock system (17).

Enomoto does not teach a lock system comprising: a lock housing attached to the printer body adjacent the printer door thereof, the lock housing having a lateral aperture extending generally parallel to the printer door; and a locking member with a locking portion disposed within the lateral aperture and being slidable therealong between unlock and lock positions, the locking portion substantially retracting within the lateral aperture when in the unlock position, the locking portion extending over the printer door when in the lock position to secure the same and prevent theft.

Takimoto teaches a lock system comprising a lock housing (3) attachable adjacent a door (2) and having a lateral aperture (3b) extending generally parallel thereto; a lock device (5,7,8) disposed within the lock housing; and a locking member (4) with a locking portion disposed within the lateral aperture and being slidable therealong between unlock and lock positions, the locking portion substantially retracting within the lateral aperture when in the unlock position, the locking portion extending over the printer door when in the lock position to secure the same and prevent theft (See Column 3, lines 9-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the lock system of Enomoto with the lock system of Takimoto in order to provide a more secure lock with a bolt latch as taught by Takimoto.

Referring to claim 28, Enomoto does not teach the lock system wherein the locking member is an elongated bar. Takimoto teaches the lock system wherein the locking member is an elongated bar (4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the lock system of Enomoto with the lock system of Takimoto in order to provide a more secure lock with a bolt latch as taught by Takimoto.

Referring to claim 32, Enomoto does not teach a lock system wherein the lock device comprises a longitudinal aperture in communication with the lateral aperture and extending generally perpendicular thereto, the lock device having an engaging member with a lower engaging portion disposed within the longitudinal aperture and being movable between disengaging and engaging positions, the lower engaging portion retracting within the longitudinal aperture when forming the disengaging position, the lower engaging portion extending into the lateral aperture and being sized and configured to maintain the locking member in the lock position when forming the engaging position.

Takimoto teaches the lock system wherein the lock device comprises a longitudinal aperture (3a) in communication with the lateral aperture (3b) and extending generally perpendicular thereto, the lock device having an engaging member (5) with a lower engaging portion disposed within the longitudinal aperture (3a) and being movable between disengaging and engaging positions, the lower engaging portion retracting within the longitudinal aperture when forming the disengaging position, the lower engaging portion extending into the lateral aperture and being sized and configured to maintain the locking member in the lock position when forming the engaging position. (See Column 3, lines 17-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the lock system of Enomoto with the lock system of Takimoto such that the lock device comprises a longitudinal aperture in communication with the lateral aperture in order to aid in maintaining a locked or unlocked position of the locking member as taught by Takimoto.

9. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto et al (5853205) in view of Takimoto (5746455) in further view of Walter (399905).

Referring to claim 29, Enomoto and Takimoto teach all that is claimed as discussed in the above rejections except the lock system wherein the locking member is fabricated from a metallic material. Walter teaches the lock system wherein the locking member is fabricated from a metallic material (See Column 3, lines 11-15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Takimoto such that the locking member is fabricated from a metallic material to provide an increased structural integrity when the lock is under external attack as taught by Walter.

10. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto et al (5853205) in view of Takimoto (5746455) and further in view of Nicholsfigueiredo (6301941).

Referring to claim 31, Takimoto teaches the lock housing (3) has a base housing surface, the base housing surface being attached to the printer body (See Column 2, lines 50-51). Takimoto does not teach that the housing surface is attached via adhesive. Nicholsfigueiredo teaches the housing surface is attached via adhesive (28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Takimoto such that



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the housing surface is attached via adhesive in order to provide a secure attachment between the locking member and the door as taught by Nicholsfigueiredo.

11. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto in view of Takimoto in further view of Stole (4452476).

Referring to claim 33, Enomoto and Takimoto teach all that is claim in the above rejections except the lock system wherein the locking member comprises an arcuate notch and the lower engaging portion extends thereinto when forming the engaging position. Stole teaches a lock system wherein the locking member comprises an arcuate notch and the lower engaging portion extends thereinto when forming the engaging position (See Column 2, lines 56-62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Takimoto such that the locking member comprises an arcuate notch and the lower engaging portion extends thereinto when forming the engaging position in order to provide adequate alignment of the engaging portion as taught by Stole.

#### ***Response to Arguments***

12. Applicant's arguments filed 12/3/03 have been fully considered but they are not persuasive. Referring to claims 21 and 27, Applicant argues that Takimoto fails to disclose the concept of specifically providing a separately placed lock device which selectively engages and disengages the locking member in order to form the lock and unlock position. However, Applicant does not claim that the lock device is separate.

#### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea H. Evans whose telephone number is (571) 272-2162.


The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrea H. Evans

AHE



ANDREW H. HIRSHFELD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800